

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:22-cr-88

vs.

GREGORY G. CAIN,

District Judge Michael J. Newman

Defendant.

**ORDER GRANTING THE GOVERNMENT’S MOTION
TO STRIKE ALLEGATIONS (Doc. No. 27)**

For good cause shown, and in the absence of opposition by Defendant, the Government’s motion to strike allegations from the indictment (Doc. No. 27) is well taken and **GRANTED**. The indictment, as modified, properly narrows the charge to which Defendant has pled guilty to the following:

On or about May 13, 2021, in the Southern District of Ohio, defendant GREGORY J. CAIN, and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to knowingly and intentionally possess with intent to distribute and distribute:

- (a) 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperindinyl], a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).
All in violation of 21 U.S.C. § 846.

Doc. No. 27 at PageID 160; *see United States v. Miller*, 471 U.S. 130, 137 (1985); *see also United States v. Cobb*, 233 F. App’x 524, 533 (6th Cir. 2007).

IT IS SO ORDERED.

December 21, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge